

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Jonathan William Wright,
Plaintiffs,
vs.

Civil Action No. 0:23-cv-347-CMC

Michael Ferlauto; Well Path Solution;
Richland County; York County, South
Carolina; D.M.H.; S.C.,
Defendants.

ORDER

This matter is before the court on Plaintiff's Second Amended Complaint, filed pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights. ECF No. 26. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), D.S.C., the matter was referred to United States Magistrate Judge Paige J. Gossett for pre-trial proceedings. The Magistrate Judge entered a Proper Form Order on February 7, 2023. ECF No. 6. On February 13, 2023, Plaintiff filed an Amended Complaint. ECF No. 10. Plaintiff's Second Amended Complaint was filed after the Magistrate Judge entered a Proper Form Order, advising Plaintiff of pleading deficiencies and giving him an opportunity to amend his Amended Complaint. ECF No. 18. Plaintiff filed a Second Amended Complaint on March 21, 2023. ECF No. 26.

On March 31, 2023, the Magistrate Judge issued a Report recommending this matter be summarily dismissed without issuance and service of process for failure to state a claim under § 1983. ECF No. 31. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff has filed no objections or request for extension, and the time to do so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After a review of the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error, and agrees this matter should be dismissed. Accordingly, the court adopts the Report by reference in this Order. This matter is dismissed without prejudice and without leave to amend, as Plaintiff has been given the opportunity to do so. *See Britt v. DeJoy*, 45 F.4th 790, 798 (4th Cir. 2022).

IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
April 19, 2023